

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMER B. GAY,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

ORDER

AND NOW, this day of , 2005, upon
consideration of Plaintiff's second Motion for Joinder of Persons Needed
for Just Adjudication, and Major Mooney's Response thereto, it is hereby
ORDERED that Plaintiff's second Motion for Joinder is DENIED.

BY THE COURT:

NORMA L. SHAPIRO, S.J.

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Plaintiff	:	
	:	
v.	:	
	:	
ROBERT D. SHANNON, et al.,	:	NO. 02-CV-4693
Defendants	:	

**RESPONSE IN OPPOSITION TO PLAINTIFF'S SECOND MOTION FOR
JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION**

Defendant Mooney opposes Plaintiff's second Motion for Joinder and states the following in support of his Response in Opposition:

Plaintiff moves this Court to join the undersigned as a defendant to this particular lawsuit.¹ Plaintiff supports his motion as he does all his claims; with his own delusions of persecution. Though I was not yet born when plaintiff was convicted and sentenced to life in prison for murder, I am most assuredly in on the "conspiracy" to continue to have him account for his actions. According to plaintiff's logic, anyone who performs an act – such as defending a client against his frivolous lawsuits – is a conspirator and anything filed on that client's behalf is, of course, a SHAM. Plaintiff fails to state a valid claim for joinder.

The undersigned's absence as a party will not affect complete relief in the event that plaintiff succeeds at trial. The only claim left in this case is the claim that defendant Mooney wrote a false misconduct because plaintiff had testified previously at another inmate's trial. The

¹ The undersigned is already a defendant in one of plaintiff's other frivolous lawsuits.

undersigned had nothing to do with this or any remedy for it. My joinder will just complicate the litigation of the claim against Mooney.

Accordingly, Plaintiff's Motion for Joinder should be DENIED as set forth in the proposed Order.

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
Patrick J. McMonagle
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Identification No. 83890

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Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

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CERTIFICATE OF SERVICE

I, Patrick J. McMonagle, Deputy Attorney General, hereby certify that a true and correct copy of the Commonwealth Defendant's Response in Opposition to Plaintiff's second Motion for Joinder was filed electronically and is available for viewing and downloading from the ECF system as of May 16, 2005. I further certify that a true and correct copy of said document was mailed on May 17, 2005:

Wilmer Gay
Inmate AF-2709
State Correctional Institution - Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

THOMAS W. CORBETT, JR.
ATTORNEY GENERAL

BY: /s/ Patrick J. McMonagle
Patrick J. McMonagle
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